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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,405	09/16/2003	Steven J. Davis	020334	2930

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

BUGG, GEORGE A

ART UNIT PAPER NUMBER

2636

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,405

Applicant(s)

DAVIS ET AL.

Examiner

George A Bugg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 7, 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,580,367 B2 to Roach.

3. As for claims 1, 9, 13, and 17, Roach teaches (column 7, lines 10-35) that a dispatch system immediately transmits information to a remote command center via GPS upon detection of an emergency situation. This information includes how to handle an emergency situation involving this specific vehicle, and its load. The dispatch device, shown as element 28 in Figure 2, is contained in the vehicle transporting the hazardous substance. Once a hazard event is detected, fire, smoke, overturned hauler, by the sensor 60, shown in Figure 5 as part of the dispatch system 28, a hazardous material alert is automatically transmitted, including information as to the nature of the substance being carried.

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4. With regard to claims 2, 10, and 15 as shown above, and further stated in column 8, lines 17-20, the sensor 60 can determine an impact, fire, smoke, if the transport vehicle has turned over on its side.

5. As for claims 3, 11, and 14 in column 7, lines 40-43, as well as column 8, lines 20-27, Roach discloses a manual switch 40, which may be activated by the vehicle operator to transmit data from the dispatch system 28.

6. As for claims 4, 12, and 16 it has been shown, and can further be seen in Figure 2, that a hazard event is detected at the command control center 24, in response to information transmitted from the vehicle, which is in a remote location with respect to the control center.

7. With regard to claim 6, the Roach reference states (column 4, lines 45-50) that the command control center can notify and dispatch rescue crews, medical personnel, police and fire personnel, and notify the public via radio, television, and internet. Therefore, at the very least AM, FM, and police band transmitters are inherently disclosed.

8. As for claim 7, as previously stated, once a hazard event is detected, by sensor 60, the dispatch system 28, which is part of the vehicle 22, and constitutes a vehicle system, automatically transmits data about the event, and substance being hauled to the command control center 24.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,580,367 B2 to Roach.

11. With regard to claims 5 and 8, while it has been shown above that the system of Roach discloses at least the use of AM, FM and police band transmitters, the reference does not specifically teach the range recited in claim 5, or adjusting the transmission power per claim 8. However, Applicant has pointed out in his Specification (section 26) that it is not only desirable for the system to transmit over a short range, but up to hundreds of miles. It is the contention of the Examiner that a transmission range of a few feet, up to several hundred miles is an obvious embodiment of the system, and furthermore can be carried out by the GPS of the Roach system. Therefore, it would have been obvious to one of ordinary skill in the art to employ various strength transmitters for the purpose of creating a system with greater transmission versatility.

Conclusion

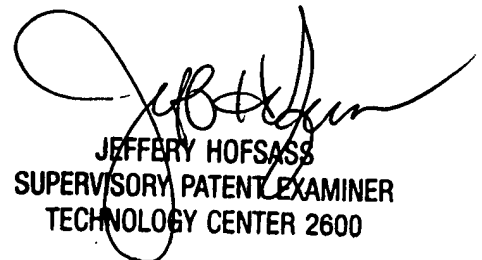
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (571) 272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2636

February 10, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600